

TAB 15

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

_____	x	
	:	
THE CITY OF HUNTINGTON,	:	Civil Action
	:	
Plaintiff,	:	No. 3:17-cv-01362
	:	
v.	:	
	:	
AMERISOURCEBERGEN DRUG	:	
CORPORATION, et al.,	:	
	:	
Defendants.	:	

_____	x	
	:	
CABELL COUNTY COMMISSION,	:	Civil Action
	:	
Plaintiff,	:	No. 3:17-cv-01665
	:	
v.	:	
	:	
AMERISOURCEBERGEN DRUG	:	
CORPORATION, et al.,	:	
	:	
Defendants.	:	

BENCH TRIAL - VOLUME 15
BEFORE THE HONORABLE DAVID A. FABER, SENIOR STATUS JUDGE
UNITED STATES DISTRICT COURT
IN CHARLESTON, WEST VIRGINIA

MAY 21, 2021

1 Medical Officer of Marshall Health; correct?

2 **A.** I was.

3 **Q.** Okay. And pain as the fifth vital sign, I believe
4 you've testified that that came from organizations like the
5 Joint Commission; correct?

6 **A.** Yes.

7 **Q.** Okay. And this standard of care changing led to
8 doctors prescribing opioids more liberally; correct?

9 **A.** I didn't agree that this was the standard of care.

10 **Q.** Okay. Do you recall a period where pain was considered
11 the fifth vital sign?

12 **A.** I do.

13 **Q.** Okay. And during that period where pain was considered
14 the fifth vital sign, were opioids prescribed more liberally
15 than they were in the period prior to that?

16 **A.** I think that's true.

17 **Q.** Okay. And, Dr. Werthammer, I want to focus on 2016.
18 In 2016 you were the Chief Medical Officer of Marshall
19 Health; correct?

20 **A.** Yes.

21 **Q.** And Joseph Shapiro, was he the Dean of the Medical
22 School at Marshall at the time period?

23 **A.** He was.

24 **Q.** Okay. And around that 2016-2017 time period, you were
25 also communicating with an individual named Jim Johnson; is